

# **VULNERABLE USERS AND LAW ENFORCEMENT**

**Vermont Statutes Relating to  
Travel by Foot and by Bicycle**

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# Why is bicycle and pedestrian safety an important enforcement topic for Vermont law enforcement officers?

## 1. It's the law.

19 V.S.A § 10(b) “statement of policy” says that:

*“State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference...”*

## 2. It's what Vermonters want.

Vermont is third highest in nation for walk-to-work percentage (about 6%), and biking to work has doubled in the last six years (from 0.5% to 1%), and over 60% of Chittenden County residents would walk or bike more if it were safe to do so

## 3. Even one death is too many.

The policy of the Vermont Highway Safety Alliance—which includes DPS, AOT, and others—is to drive highway deaths towards zero



# How this training is structured

## **1. DEFINITIONS & RULES**

Vermont state statutes affecting the safety and governing the actions of people walking and biking

## **2. ISSUES**

Context and considerations related to walking and (especially) biking as modes of transportation

## **3. GUIDANCE FOR ACTION**

Effective use of enforcement as a tool for improving safety for people walking and biking

# DEFINITIONS & RULES

*Vermont state statutes governing the actions and affecting  
the safety of people walking and biking*

# DEFINITION: Motor Vehicle

**A motor vehicle is defined by 23 VSA § 4(21) as including:**

*“...all vehicles propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, snowmobiles, or tracked vehicles or electric personal assistive mobility devices.”*

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**Bicycles are legally classified as vehicles, but *not* as motor vehicles. However, 23 VSA § 1136(c) states that:**

*“Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles.”*

# DEFINITION: Vulnerable User

**A vulnerable user is defined by 23 VSA § 4(81) as:**

*“...a pedestrian; an operator of highway building, repair, or maintenance equipment or of agricultural equipment; a person operating a wheelchair or other personal mobility device, whether motorized or not; a person operating a bicycle or other nonmotorized means of transportation (such as roller skates, rollerblades, or roller skis); or a person riding, driving, or herding an animal.”*

Vulnerable users are vulnerable for two reasons:

1. Their means of mobility does not include built-in protection
2. Roads historically were not designed with their safety in mind



# DEFINITION: Bicycle

**A bicycle is defined by 19 VSA § 2301 as:**

*“...every pedal-driven device propelled by human power having two or more wheels on which a person may ride, including a so-called pedal vehicle which may have an enclosed cab.”*

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**A bicycle is defined by 19 VSA § 2301 as:**

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# DEFINITION: Motor-Assisted Bicycle

**A motor-assisted bicycle is defined by 23 VSA § 4 as:**

*“...a bicycle or tricycle with fully operable pedals that is equipped with a motor that has a power output of not more than 1,000 watts or 1.3 horsepower and is itself capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs up to 170 pounds.*

It further provides that motor-assisted bicycles are generally to be governed by Vermont laws applicable to bicycles, and are exempt from registration, licensing, and inspection requirements; may not be operated on a sidewalk in Vermont; and may not be operated on a Vermont highway by a person under 16 years of age.

# DEFINITION: Sidewalk

**A sidewalk is defined by 19 VSA § 2301 (6) as:**

*“...the portion of a street or highway right-of-way designated for primary or exclusive pedestrian use.”*

**Q: Can bikes ride on sidewalks?**

# DEFINITION: Sidewalk

**A sidewalk is defined by 19 VSA § 2301 (6) as:**

*“...the portion of a street or highway right-of-way designated for primary or exclusive pedestrian use.”*

**Q: Can bikes ride on sidewalks?**

**A: Mostly, yes. Statutes allow bike riding on sidewalks unless specifically prohibited or restricted by a municipality.**

# DEFINITION: Crosswalk

**A crosswalk is defined by 19 VSA § 4 (7) as:**

*“(A) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;*

*“(B) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.”*

# DEFINITIONS:

## Bicycle Route

## Bicycle Lane

## Bicycle Path

### 19 VSA § 2301 (2):

*“Any lane, way, or path,  
designated by appropriate  
signs, that explicitly  
provides for bicycle travel.”*

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## Bicycle Lane

### 19 VSA § 2301 (3):

*“A portion of a roadway which has been designated for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicle traffic by a paint stripe or similar device. Paved road shoulders are considered bicycle lanes.”*

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## Bicycle Path

### 19 VSA § 2301 (3):

*“A separate trail or path which is for the preferential or exclusive use of bicycles, when authorized by state law or municipal ordinances. Where a trail or path forms a part of a highway, it is separated from the roadway for motor vehicle traffic by an open space or barrier.”*

# **RULE: Passing & Harassment**

## **Passing vulnerable users. 23 V.S.A § 1033 states:**

Motorists must *“exercise due care, which includes increasing clearance, to pass the vulnerable user safely.”*

### **2016 UPDATES:**

Clearance specified as a “recommended” 4 feet.

Prohibits vehicles from passing unless the passing movement can be made without interfering with a vulnerable user.

## **Following too closely, crowding, and harassment. 23 V.S.A § 1039 includes the following:**

- Prohibits throwing objects or substances at vulnerable users. This includes spitting or throwing litter or drinks.
- The Statutes also prohibits careless and/or unnecessarily fast passing of vulnerable users.



Following too closely, harassment, illegal pass - VT plate CTD 691

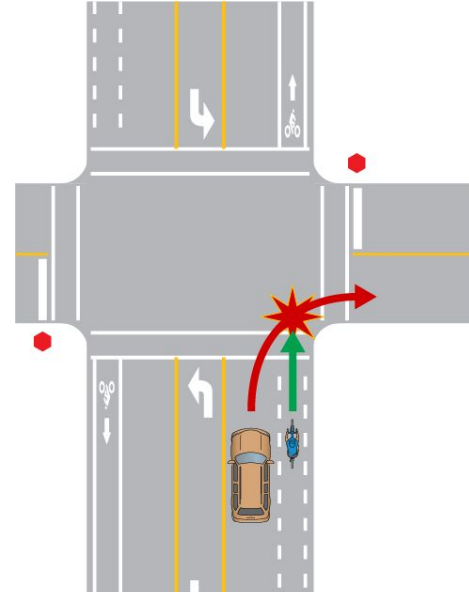
<https://www.youtube.com/watch?v=22eqbceSa-0>

# RULE: Yielding when Turning

## Left and right turns at intersections. 23 V.S.A § 1022 states that:

When approaching a green traffic signal, *“Vehicular traffic, including vehicles turning right or left, shall **yield the right of way** to other **vehicles or to pedestrians** lawfully within the intersection or on an adjacent crosswalk at the time the signal is exhibited.”*

**2016 UPDATE:** Establishes a duty to turn left only when the turn can be made at a “safe distance” from a vulnerable user.



## Right turn on red at intersections. 23 V.S.A § 1022 states that:

When a motor vehicle turns right on red, *“This traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.”*

# **RULE: Yielding when Turning**

**Left turns generally. 23 V.S.A § 1047 specifies that:**

Vehicles turning left must yield to other vehicles approaching from the opposite direction.

**Q: What about right turns NOT at intersections?**

# **RULE: Yielding when Turning**

## **Left turns. 23 V.S.A § 1047 specifies that:**

Vehicles turning left must yield to other vehicles approaching from the opposite direction.

**Q: What about right turns NOT at intersections?**

**A: 23 V.S.A § 1034 specifies that:**

The driver of a vehicle may overtake and pass upon the right of another vehicle... upon a street or highway of sufficient width for two or more lines of moving vehicles in one or more directions and with unobstructed pavement not occupied by parked vehicles.

**So under what circumstances would this mean that a bicyclist going straight would have right of way over a driver turning right?**



A right hook

<https://www.youtube.com/watch?v=pig3YyLM-40&authuser=0>

# **RULE: Yielding when Turning**

## **Turns from private roads.**

**2016 UPDATE:** Requires drivers of vehicles entering a highway from a private road to yield the right of way to vulnerable users approaching on the highway.



# RULE: Opening Car Doors

## 23 V.S.A § 1119 states that:

*“No person shall open the door of a motor vehicle on the side nearest to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of traffic, nor may any person leave a door open on the side of a vehicle nearest to moving traffic for a period of time longer than necessary to load or unload passengers.”*



# **RULE: Distracted Driving**

**Handheld use of portable electronic device prohibited.**

**23 V.S.A § 1095b requires “hands-free use,” which means:**

*“...the use of a portable electronic device without use of either hand by employing an internal feature of, or an attachment to, the device.”*

- Drivers may not hold phones or place them on their laps.
- Bluetooth headsets, earbuds, and dashboard mounting devices are legal.
- Drivers may only touch phones to activate voice dialing. Manual dialing is illegal.

**So what specific actions do you feel you would need to witness in order to issue a ticket under V.S.A § 1095b?**

# **RULE: General Operation of Bicycles**

## **Rights and duties in general. 23 V.S.A § 1136 states:**

*“Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles, except to those provisions which by their very nature can have no application.”*

## **THIS COVERS MOST OF THE TERRITORY.**

Stopping at stop signs and red lights. Yielding when turning. Yielding to pedestrians in crosswalks. Generally not riding like an idiot.

If you would give a ticket for “X” violation if a motorist did it, you should probably think about giving a ticket to a bicyclist who does it.

# RULE: Lane Positioning for Bicycles

**Riding on roadways and bicycle paths. 23 VSA § 1139 specifies that:**

- Bicyclists are allowed to ride two abreast, unless prohibited by municipal ordinance. They must not impede the flow of traffic, and when riding two abreast, must stay within a single lane.
- Bicyclists must ride in the same direction as traffic.
- Bicyclists *“generally shall ride as near to the right side of the roadway as safe.”* (NOTE that this is a new word; statute previously specified *“practicable.”*)

# **RULE: Signaling Turns for Bicycles**

**Signaling turns. 23 VSA § 1049 specifies that:**

**2016 UPDATE:** Grants a bicyclist flexibility to not give hand signals when turning (or when significantly slowing down), and to not give such signals continuously for 100 feet, when the bicyclist cannot give the signals safely.

# RULE: Lights on Bicycles

## **Equipment on bicycles. 23 V.S.A § 1141a specifies that:**

Bicycles must have a headlamp at night (visible from at least 500 feet in front) as well as a rear red light (flashing or steady, visible from at least 300 feet behind) or a rear reflector.

- Lights required from half an hour after sunset to half an hour before sunrise.
- If using reflective material instead of lights for rear, it must have a surface area of at least 20 square inches. This is a lot of reflective material! A standard rear bike reflector doesn't count.

*So most bicycles as sold today are in fact not street legal for nighttime use.*

# RULE: Brakes on Bicycles

## Equipment on bicycles. 23 V.S.A § 1141a specifies that:

Bicycles must have working brakes that *“enable the operator to make the braked wheels skid on dry, level, clean pavement.”*

- “Fixie” bikes (single speed, no freewheel) can qualify, as an experienced rider can in fact make the wheels skid



# RULE: Number of Riders

## 23 VSA § 1137 specifies that:

The number of riders must not be greater than that for which the bicycle was designed.

- Child seats and “longtail” bikes are legal, as they are designed and intended to carry children.
- Cargo bikes are also designed to carry passengers as well as goods.





# RULE: Crossing at Crosswalks

## 23 VSA § 1051. Crossing at crosswalks:

- *If traffic-control signals are not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if necessary, to a pedestrian crossing the roadway within a crosswalk.*
- *No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for a driver to yield.*
- *If any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.*

# RULE: Crossing NOT at Crosswalks

## 23 VSA § 1052. Crossing except at crosswalks:

- *Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right of way to all vehicles upon the roadway.*
- *Every pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.*
- *Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.*
- *No pedestrian may cross a roadway intersection diagonally unless authorized by official traffic control devices or an enforcement officer. When authorized to cross diagonally, pedestrians may cross only in accordance with the official traffic control devices or signal of an enforcement officer.*

# ISSUES

*Context and considerations related to walking and  
(especially) biking as modes of transportation*

# **ISSUE: Deciding what to Enforce**

**What infractions are “worth enforcing,” and why?**

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**What infractions are “worth enforcing,” and why?**

**Three filters for evaluating a violation. Is it...**

- 1. ...out of line with generally accepted norms of behavior?**
- 2. ...obviously inconsiderate to other users of the road?**
- 3. ...a significant threat to anyone’s safety?**

# ISSUE: Bikes “Taking the Lane”

**In general, a bicyclist is required as far to the right as is safe; however, certain exceptions apply. These exceptions are described in 23 VSA §1139(a), where one of the exceptions states that bicyclists may take:**

*“...reasonably necessary precautions to avoid hazards or road conditions...”*

- People bicycling will sometimes do something called “taking the lane” -- i.e., move out into the center of the lane -- to avoid debris or other hazards near the edge of the road such as snow, ice, gravel, or wet leaves. This is clearly legal, improves safety, and can easily be done courteously.
- People bicycling will also sometimes “take the lane” on roads with narrow or no shoulders to prevent a motorist from attempting to pass within the same lane (which could push the bicyclist off the road). This is debatably legal, can under some circumstances be extremely unsafe, and is rarely regarded as courteous.



<https://www.youtube.com/watch?v=d2iJjObplXw&feature=youtu.be>

# ISSUE: Group Bike Rides

**23 VSA §1139(b) describes the legal behavior for riding two abreast:**

*“Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.”*

- This means that the pair or group should single up if several cars are beginning to queue behind them.

**Q: When a large group of bicyclists approaches a stop sign, should they stop and proceed singly or as group?**



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**Q: When a large group of bicyclists approaches a stop sign, should they stop and proceed singly or as group?**

**A: Singly is technically what is legal, but as a tight group is safer and more considerate. Opinions?**

# **ISSUE: Bikes Going Through Stop Signs**

**Bicyclists are required to stop for stop signs, just like motorists. There is no difference in what the law requires.**

**Bikes definitely go through stop signs at speed more often than cars do. But lots of motorists roll through stop signs and don't get tickets.**

**Q: When should a bicyclist get a ticket/warning vs. not?**

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**Q: When should a bicyclist get a ticket/warning vs. not?**

**A: Apply the filter: consistency with “normal” behavior, considerateness to others, and a focus on safety.**

# **GUIDANCE FOR ACTION**

*Effective use of enforcement as a tool for  
improving safety for people walking and biking*

# **GUIDANCE: Motorist Enforcement**

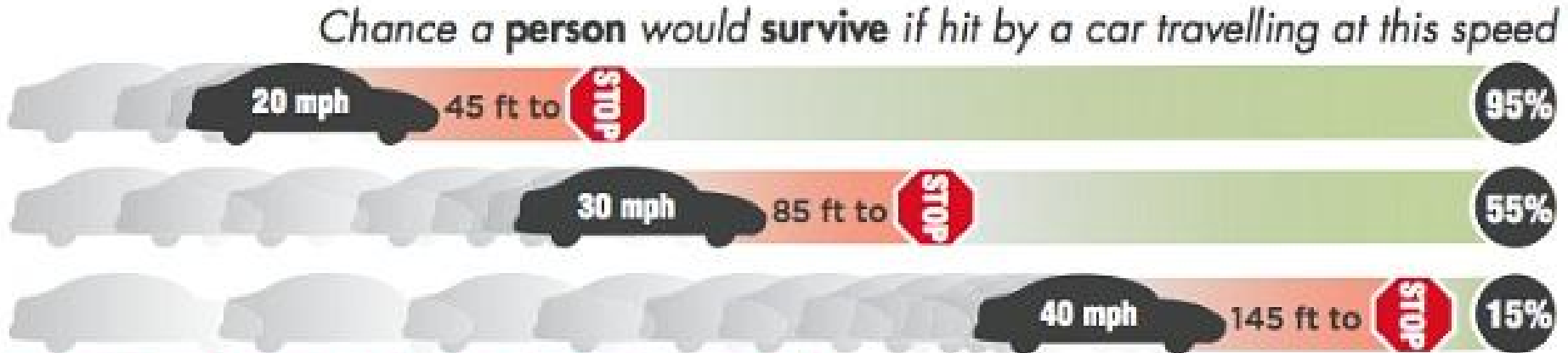
**The first goal for traffic enforcement is to improve safety and prevent injuries/deaths.**

- **For safety of occupants of motor vehicles themselves, you know what to focus on: seatbelt and carseat use, DUI, distraction, excessive speed.**
- **Focus is different when you are talking about preventing injuries/deaths for vulnerable users, though. Top three things to focus on:**
  - a. Speeding in lower-speed zones
  - b. Failure to yield to pedestrians & bicyclists
  - c. Distraction/impairment

# GUIDANCE: Motorist Enforcement

## Speeding in lower-speed zones

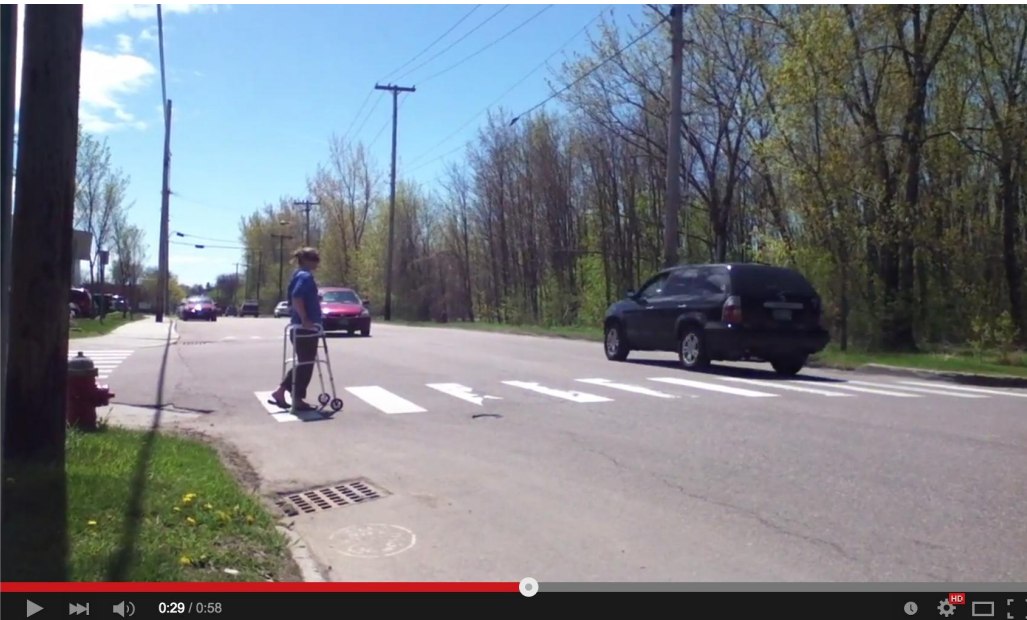
For a person walking or biking, being hit by a car going 40 mph in a 25 mph zone means 85%+ chance of death. In a 55 mph zone, though, it doesn't matter if a car is going 55 or 70 -- you're dead either way.



# GUIDANCE: Motorist Enforcement

## Failure to yield to pedestrians and bicyclists

Crosswalk violations are endemic in many parts of Vermont. It is not uncommon for 4, 5, or 6 cars to go by before yielding.



<https://youtu.be/KtaTi5OLTIQ>

## Failure to yield to pedestrians and bicyclists

Pedestrian safety enforcement operations, also known as “crosswalk stings,” are an excellent strategy for both improving compliance and demonstrating commitment to walk-bike safety.



## Summary

Wednesday, West Valley police conducted crosswalk safety operations on a couple of streets as an effort to get drivers to pay attention to the road, and

WEST VALLEY CITY — As West Valley police officer Mike Millett stepped off the curb Wednesday and started walking across the street — in a school crossing zone — he had to quickly take a step back so he wouldn't get hit by two vehicles.

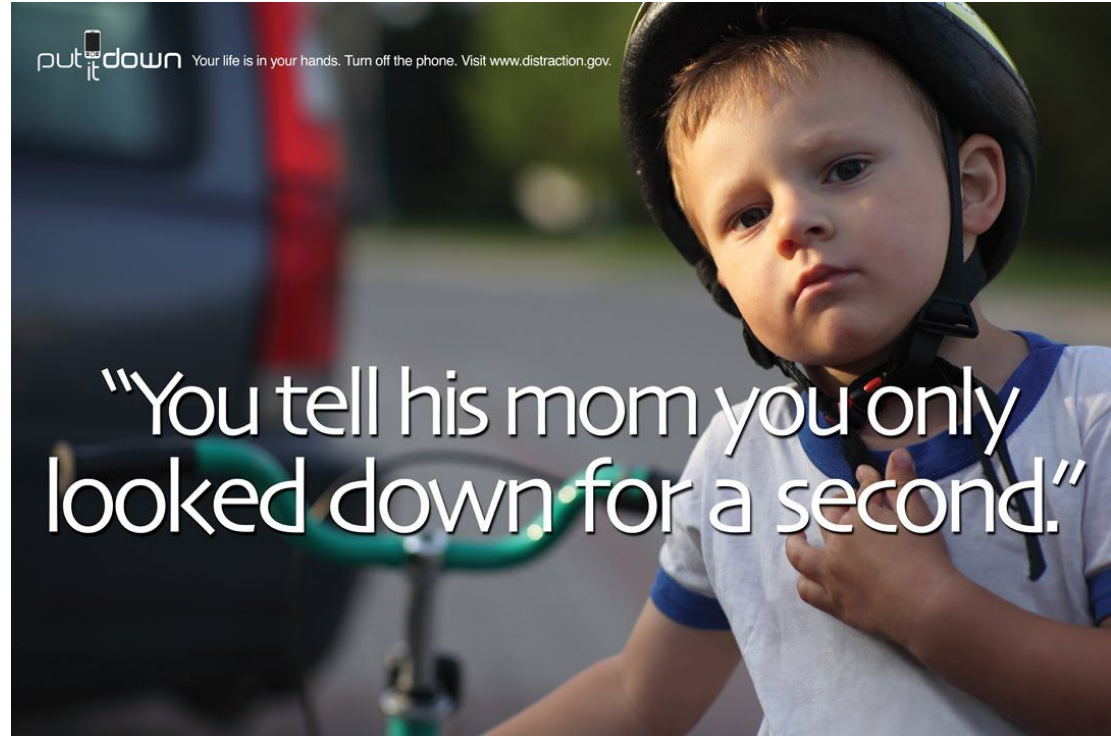




# GUIDANCE: Motorist Enforcement

## Distraction/impairment

Many deadly crashes involving people walking or biking involve one or more kinds of impairment or distraction.



# **GUIDANCE: Bicyclist Enforcement**

**Top three things to focus on with regard to bicyclist enforcement:**

- Going through stop signs or red lights at speed
- Failure to use lights at night
- Failure to yield to pedestrians, particularly at high speed

**The key is to combine enforcement with community policing.**

# GUIDANCE: Bicyclist Enforcement

Show you are serious about safety.



# GUIDANCE: Bicyclist Enforcement

Build rapport and demonstrate understanding.



# GUIDANCE: Bicyclist Enforcement

Bike the talk.



**Things I missed?**

**Things you liked?**

**Things that were off the mark?**

**Thinks you want to know more about?**

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